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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

AMANDA FRLEKIN, *et al.*,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Lead Case No. C 13-03451 WHA; Consolidated
 Case No. C 13-3775-WHA

**DECLARATION OF JOSHUA D. KIENITZ
 IN SUPPORT OF DEFENDANT'S
 MOTION FOR SUMMARY JUDGMENT
 OR, IN THE ALTERNATIVE, PARTIAL
 SUMMARY JUDGMENT**

Date: May 22, 2014
 Time: 8:00 a.m.
 Judge: The Hon. William H. Alsup
 Courtroom: 8

ADAM KILKER, *et al.*,

Plaintiffs,

v.

APPLE INC.,

Defendant.

1 I, Joshua D. Kienitz, hereby declare:

2 1. I am an attorney at law duly admitted to practice before the courts of the State
3 of California and the United States District Court, Northern District of California. I am a
4 shareholder with the law firm of Littler Mendelson, A Professional Corporation, which represents
5 Defendant Apple Inc. ("Apple") in the above captioned matter. I have personal knowledge of the
6 facts set forth herein and, if called as a witness, could competently testify thereto.

7 2. On March 18, 2014, I took the deposition of Taylor Kalin, plaintiff in the
8 related case *Kalin v. Apple Inc.* (Case No. 13-CV-0427-WHA). Attached hereto as **Exhibit A** is a
9 true and correct copy of the transcript of Mr. Kalin's March 18, 2014 deposition and exhibits thereto.
10 Apple files Exhibit A concurrently with its Motion pursuant to the Court's Scheduling Order
11 Following February 20 [2014] Hearing (Dkt. No. 132), in which the Court, *inter alia*, ordered that
12 copies of all deposition transcripts be filed.

13 I declare under penalty of perjury under the laws of the United States that the
14 foregoing is true and correct. Executed this 10th day of April, 2014, at San Francisco, California.

15
16 /s/ Joshua D. Kienitz

17 JOSHUA D. KIENITZ

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